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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

Carter Industrials, Inc.  
Wayne County  
Detroit, Michigan

Respondents:

(listed in Attachment #1)

Docket No.

ADMINISTRATIVE ORDER  
PURSUANT TO SECTION 106  
OF THE COMPREHENSIVE  
ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND  
LIABILITY ACT OF 1980  
as amended, 42 U.S.C.  
Section 9606(a)

## PREAMBLE

This Administrative Order (Order) is issued on this date to Respondents listed in Attachment #1, located at the addresses listed on Attachment 1.

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 Pub. L. 99-499 (CERCLA), and delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by U.S. EPA Delegation Nos. 14-14 and 14-14-A, and to the Director, Waste Management Division, Region V, by Regional Delegation 14-14B.

The State of Michigan has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a).

This Order requires the Respondent(s) to undertake and complete removal activities at the site to abate an imminent and substantial endangerment to the public health and welfare or the environment arising from the release of hazardous substances at the site.

#### FINDINGS

1. The office of Carter Industrials, is located at 4690 Humboldt Street in Detroit, Michigan. The site (hereinafter referred to as the "Carter site") encompasses this and adjacent properties. It is situated approximately 1/2 mile southeast of the intersection of Interstate highways 96 and 94.

2. From 1966 to 1986, the Carter site was used to store and salvage scrap metal. From 1966 to 1971, the site was operated by Spector-Carter Metal, while from 1971 to 1986, Carter Industrials, Inc. operated the site. A portion of the scrap metal items accepted at the Carter site included electrical capacitors and transformers.

3. During salvage operations at the site, dielectric fluids containing PCBs were spilled from electrical capacitors and transformers, contaminating soil in the immediate area. Commercial, municipal and residential properties adjacent to the site were contaminated by direct runoff of spilled material, contaminated storm water runoff, wind-blown dust, and tracking of spilled material and contaminated soils by vehicular traffic.

4. In May 1986, the Michigan Department of Natural Resources (MDNR) collected soil samples at the site, revealing PCB contamination at concentrations of up to 510,000 parts per million (ppm). On June 3, 1986, MDNR referred the site to the Emergency Response Section of the U.S. EPA (Region V).

5. Federal response actions commenced on June 6, 1986, when U.S. EPA's Technical Assistance Team (TAT) started an extent of contamination study. This study, which included the collection and analysis of over 2000 samples, identified on-site and off-site areas requiring clean-up.

6. U.S. EPA's Region V Emergency Response Section initiated a removal action concurrently with this study. These actions were intended as interim stabilization measures to confine PCB contamination to the Carter site. U.S. EPA's activities consisted of the following major tasks:

- a. The stabilization of uncontrolled site perimeters was accomplished by pushing highly-contaminated areas of the perimeter back towards the site interior in order to reduce any further migration of contaminants. In addition, some areas of the site surface were cleared of debris to accommodate the staging of the consolidated contaminated soils from off-site areas.
- b. Contaminated soils and debris from the surrounding neighborhood were excavated and consolidated into waste piles on-site.
- c. Identifiable PCB items (e.g. capacitors and oils) were removed from the site for off-site disposal (incineration).
- d. Larger pieces of scrap metal found on the surface of the site were decontaminated and removed from the site.

- e. Municipal streets and alleys in an approximately four square block area surrounding the site were decontaminated.
- f. Several alleyways in the vicinity of the site were unable to be cleaned adequately and were repaved.
- g. The site was graded to direct runoff toward the southeast section of the site where a system of interception trenches, collection tanks, and mixed media filter units collect and treat the runoff water.
- h. A 6-foot chain-link cyclone fence topped with three strands of barbed wire was erected around the site to prevent unauthorized entry.

7. In September and October of 1986, the U.S. EPA and MDNR staff sampled rain gutter sediments and debris in the vicinity of the Carter site. The purpose of this sampling was to determine if PCBs had been transported aurally into the surrounding community. These data show a general radial pattern with PCB levels tending to decrease in a given direction as the distance from the site is increased. PCB levels for the rain gutters sampled ranged from non-detectable to 38 milligrams per kilogram (mg/kg).

8. In October 1986, the TAT took samples from the waste piles, surface soils, subsurface soils, groundwater, and a seep encountered below the surface. Although PCBs were the prime contaminant of concern, sampling and analytical efforts have also revealed the presence of heavy metal contamination in site ash and soil materials. The maximum concentrations of total PCBs and heavy metals in parts per million were as follows:

	<u>WASTE PILES</u>	<u>ASH</u>	<u>SOIL BELOW WASTE PILES</u>	<u>SOIL IN OPEN AREAS</u>
# SAMPLES	7	3	44	41
Max. PCB Concentration	240	12,000	6,800	7,400
Max. Lead Concentration	990	28,000	330	210
Max. Cadmium Concentration	24	34	2.5	6.7
Max Copper Concentration	1600	17,000	36	310
Max Zinc Concentration	2,900	8,500	130	410
Max. Arsenic Concentration	1.7	0.56	4.8	1.4

9. Two buildings and an incinerator on-site were sampled revealing concentrations of PCBs ranging from 6 to 100 micrograms per 100 square centimeters for wipe samples and 85-900 ppm for floor sweep samples.

10. In October 1986, a site inspection report was prepared by the MDNR. Following this, the site was evaluated for the National Priorities List (NPL) using the "Uncontrolled Hazardous Waste Site Ranking System" (HRS). The site received a score of 37.79, making it eligible for inclusion on the NPL. The site was proposed for inclusion on the NPL on June 24, 1988.

11. Sampling undertaken by the MDNR and the City of Detroit in September and October of 1986 has detected PCB contamination at levels up to 4900 mg/kg in the city sewer lines immediately adjacent to the Carter site and along the connecting 18<sup>th</sup> Street line to the Detroit River.

12. Despite security fencing, 24-hour armed guards, and stepped up Detroit Police patrols, the site has been broken into repeatedly since the U.S. EPA removal action began. Vandals have gained access by removing security fencing, thereby providing unrestricted access to the

site by children living nearby. Vandals have repeatedly removed contaminated scrap metal, knocked out walls and broken into contaminated buildings, and vandalized three large transformers on the site. In addition, vandals set fires to the vegetative cover (grass) which was planted on the waste piles to reduce migration of contamination.

13. In October 1988, U.S. EPA acted to improve site security by repairing vandalized fencing. U.S. EPA also attempted to reduce the attractiveness of the site to vandals by removing as much scrap metal and debris as possible.

14. During the 1988 removal action, an underground fuel storage tank was identified at the site. The contents of the tank consists of a 50/50 mixture of gasoline and water.

15. An Endangerment Assessment was completed by the U.S. EPA on January 20, 1989. This assessment reveals that persons in the vicinity of the site may be exposed to significant risks of both carcinogenic and non-carcinogenic effects.

#### DETERMINATIONS

1. Carter Industrials is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).

2. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

3. Respondents (Attachment #1) are either past owners or operators of the Carter site, or those who arranged for disposal or treatment or transport for disposal or treatment of hazardous substances at the Carter site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. Section 9607.

4. PCBs are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). PCBs are capable of causing both short-term and long-term local and systemic health effects in humans. Living organisms may accumulate PCBs by absorption, inhalation and ingestion. PCBs have a long retention time in living organisms and each succeeding ingestion of PCBs contributes to a net accumulation. PCBs are known to bio-accumulate in the food chain.

5. PCBs have been shown to produce a variety of adverse effects in studies of aquatic organisms and experimental animals. Such effects are related to the dose of PCBs received, so that a higher dose produces a greater effect. Effects of PCBs observed in experimental animals include weight loss, liver injury, atrophy of lymphoid tissue with suppression of immune response, reproductive impairment such as infertility and low birth rate, carcinogenicity, and death.

6. Persons exposed to PCBs can develop chloracne and based on laboratory animal data, there is a potential for reproductive effects and developmental toxicity as well as oncogenicity in humans exposed to PCBs. PCBs are very stable compounds which can persist for years when released

into the environment. Based upon the documented health impacts on humans and the experimental results with laboratory animals, PCBs are a suspected human carcinogen.

7. Lead, cadmium, and arsenic are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). Persons exposed to lead may suffer fatigue, sleep disturbances, constipation, colic, anemia, neuritis, loss of appetite, encephalopathy (which may include learning defects in children), premature deliveries or spontaneous abortions in pregnant women or sterility in men. Cadmium toxicity may manifest itself in the form of kidney damage, severe joint and muscle pain, decreased testosterone levels and possible carcinogenic effects. Human effects of arsenic toxicity include skin lesions, peripheral vascular disease, and peripheral neuropathy. Arsenic is also a suspected human carcinogen.

8. The presence of hazardous substances in the soil at the Carter site constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22).

9. The actual or threatened release of hazardous substances from the Facility presents an imminent and substantial endangerment to the public health, welfare, or the environment.

10. The actions required by this Order, if properly performed, are consistent with the National Contingency Plan (NCP), 40 CFR Part 300, as



amended, and CERCLA; and are reasonable and necessary to protect the public health, welfare and the environment.

11. The conditions present at the Facility constitute a threat to public health or welfare or the environment based upon consideration of the factors set forth in the NCP, Section 300.65(b)(2). These factors include, but are not limited to, the following:

- a. "actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations, animals, or food chain";

Past experience has shown that it is difficult, if not impossible, to restrict access completely to the Carter site. As long as PCB waste piles and PCB contaminated buildings remain, in addition to heavy metal contaminated soil, those entering the Carter site will be exposed to these materials. Moreover, the current condition of the waste piles may allow PCBs and heavy metals to migrate into the surrounding residential area through erosion, etc. The Endangerment Assessment presents a calculated incremental carcinogenic risk range of between  $1E-08$  to  $1E-04$  for persons exposed to these substances through either ingestion (pica behavior) or direct contact with the soils on-site or those in the surrounding neighborhood.

- b. "high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate;"

The contaminated soils on-site present a potential for release of contaminants through airborne particulates and volatilization. The

occurrence of such migration has been demonstrated in a couple of different ways. The first air sampling data available for the Carter site measured particulate and volatile PCBs during June and July, 1986. These data revealed particulate time-weighted average PCB concentrations ranging from  $<0.1$  to 1 microgram per cubic meter and volatile PCB concentrations ranging from .1 to 2 micrograms per cubic meter. Sampling of roof gutter sediments in the vicinity of the site has shown PCBs to be present at higher concentrations at locations nearer the site with levels diminishing as the distance in a particular direction from the site increases. Furthermore, PCBs may be tracked off the site by pedestrians or vehicles. Finally, PCB-contaminated sediments in the city sewer leading from the Carter site may be carried away by storm runoff and released into the Detroit River.

The Endangerment Assessment calculates the incremental carcinogenic risk range between  $4E-11$  to  $4E-02$  for persons exposed to these substances through inhalation of volatilized compounds at distances up to 1000 meters downwind of the site.

c. "threat of fire or explosion;"

Compressed gas cylinders in poor condition are being found throughout the site. If one of these gas cylinders ruptures, it could result in an explosion or fire which, in turn, might result in dispersing hazardous substances. In addition, there is an underground fuel storage tank filled with a mixture of gasoline and water which presents a threat of fire or explosion.

As mentioned above, grass fires on the site promote the erosion of waste piles, which increases the likelihood of exposure to PCBs via volatilization and particulate migration. Moreover, PCB contaminated soils which are subjected to thermal stress are of concern because of the potential for release of airborne toxic byproducts to the surrounding neighborhood.

12. Given U.S. EPA's difficulties in the past with restricting access to the Carter site and the proximity of a residential neighborhood, U.S. EPA has determined that the site should be deemed a nonrestricted access area. Therefore, in accordance with the PCB Spill Cleanup Policy, 40 CFR Section 761.130(v), U.S. EPA has determined that the cleanup level for the Carter site must be 10 ppm PCBs by weight.

#### ORDER

Based upon the foregoing Findings and Determinations, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a), it is hereby Ordered that Respondents undertake the following actions at the Facility:

1. Within ten (10) calendar days after the effective date of this Order, the Respondents shall undertake the interim site safety measures, and operation and maintenance duties outlined below:

- a. Provide site security and 24 hour surveillance.
- b. Repair any breaches which develop and maintain the fence surrounding the site as such repairs become necessary.
- c. Conduct monthly sampling and analysis of the runoff collection and treatment system discharge to determine whether the filtration system is meeting the required PCB discharge

criteria prior to its entering the Detroit City Sewer system. Samples should be analyzed for the following: PCBs to a detection limit of 0.2 parts per billion (ppb) for each Arochlor, Total Suspended Solids and Oil and Grease. The limits in effect for discharge into the Detroit City Sewer system are: less than 1.0 ppb for total PCB, and less than 0.5 ppb of Arochlor 1260. The Respondents shall change the filters in the treatment system tanks whenever these limits are approached or exceeded.

- d. Provide for at least monthly inspection of the mechanical and electrical components of the water treatment system.
- e. The Respondents shall accept transfer of the account for electrical services for the treatment system pumps into their name and pay for all charges.

2. Respondents shall retain a consultant/contractor qualified to undertake and complete the requirements of this Order, and shall notify U.S. EPA and MDNR of the name of such contractor within ten (10) calendar days of the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor, Respondents shall retain a different contractor to perform the work, and such selection shall be made within two (2) business days following U.S. EPA's disapproval.

3. Within twenty (20) calendar days after the effective date of this Order, the Respondents shall submit to U.S. EPA and MDNR an outline of the Workplan for the removal activities ordered as set forth in Paragraph 6 below. This outline will be reviewed, modified and/or approved by the U.S. EPA, in conjunction with the MDNR.

4. Within thirty (30) calendar days after EPA approval of the outline of the Workplan, the Respondents shall submit to U.S. EPA and MDNR, a

Workplan for the removal activities ordered as set forth in Paragraph 6 below. The Workplan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order. The Workplan shall also contain the following items: 1) a health and safety plan; 2) a preliminary sampling and analysis plan; 3) a plan for maintaining quality assurance and quality control of all removal and sampling activities undertaken by the Respondents; 4) a post clean-up sampling and analysis plan designed to evaluate the effectiveness of the removal activities after they are completed; **NOTE:** This program shall provide for determination of all Target Analyte List (TAL) and all Target Compound List (TCL) parameters; 5) a detailed description of all arrangements for disposal of all hazardous substances off-site; and 6) a schedule for the completion of the work to be performed. The Workplan shall be reviewed by U.S. EPA and may be subject to modification in part or whole by the U.S. EPA in consultation with the MDNR. Respondents shall implement the Workplan as modified and approved by U.S. EPA. Upon approval by U.S. EPA, the Workplan shall become an enforceable part of this Order. In the event that U.S. EPA, in consultation with the MDNR, disapproves the Workplan, Respondents shall submit a revised Workplan within five (5) business days following U.S. EPA's disapproval of the same.

5. The site Health and Safety Plan shall be prepared in accordance with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910. The Workplan and other submitted documents shall demonstrate

that the Respondent can properly conduct the actions required by this Order.

6. The EPA approved or modified Workplan shall be made available for public review and comment for a minimum of thirty (30) days. Following the public review and comment period, EPA retains the right to request modifications or additions to the Workplan. Within ten (10) calendar days following the public review and comment period, Respondents shall implement the Workplan as approved or modified by U.S. EPA. Failure of the Respondents to properly implement all aspects of the Workplan shall be deemed to be a violation of the terms of this Order. The Workplan shall require the Respondents to perform, and complete the following removal activities:

- a. Using the information provided in the Engineering Evaluation/Cost Analysis prepared for the U.S. EPA dated December 1986, and any information available in the Administrative Record, the respondents shall design and implement the site clean-up. The site cleanup shall also provide for removal and disposal of the liquid present in the underground storage tank discovered at the site, excavation and removal of the underground storage tank, and sampling and removal of soil which was contaminated by leakage from the tank.
- b. The results of the clean-up shall be such that all soils contaminated with PCBs are cleaned up to a level no greater than 10 ppm total PCB. All contaminants other than PCBs, including heavy metals and organics, shall be cleaned up to background levels (discussed below). In addition, the three building structures present at the site (identified as buildings #1, #2, and #3 on the map contained herein as Attachment #3) also showed PCB contamination and will require decontamination and demolition.
- c. A post clean-up sampling and analysis program shall be undertaken to ensure the adequacy of removal. All contaminants other than PCBs identified at the site during the Emergency Response Action undertaken in 1986, in the Engineering

Evaluation/Cost Analysis, or associated with the underground fuel storage tank discovered in the 1988 removal action, shall be sampled for to assure their removal is also complete. This sampling and analysis program shall follow the procedures outlined in the post clean-up sampling and analysis plan. The sampling and analysis plan shall also provide for determination of representative background levels for heavy metals in typical residential areas around Detroit. The post clean-up sampling program shall also include an assessment to determine the extent of contamination of sewer lines adjacent to the Carter site, down 18th Street to the combined sewer overflow at the Detroit River.

- d. If the results of the post clean-up sampling program reveal PCB levels greater than 10 ppm, or metals concentrations which exceed the background levels for typical residential areas of Detroit, remediation efforts and followup sampling shall continue until these standards have been achieved. If the assessment of the sewer lines required in paragraph (6c) reveal contamination attributable to the Carter site, a remediation program for the sewer lines may be required.
  - e. When followup sampling has verified that the target cleanup levels have been achieved, areas where excavation has occurred shall be backfilled with clean material consistent with the Toxic Substances Control Act (TSCA) PCB Spill Policy (Final Rule: 40 CFR Part 761; April 2, 1987) and as directed by the On-Scene Coordinator (OSC). In addition, the whole site shall be graded to its previous contour after backfilling.
7. All materials removed from the Carter site shall be disposed of or treated at facilities approved by the U.S. EPA On-Scene Coordinator and, in addition, in compliance with applicable or relevant and appropriate provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 et seq., the Toxic Substance Control Act (TSCA), 15 U.S.C. Section 2601, et seq., and other Federal, State, and local requirements, as well as U.S. EPA's Off-site Response Policy from J. Winston Porter (dated: November 13, 1987).
8. The U.S. EPA, MDNR, and the Respondent(s) shall each have the right to change their respective designated On-Scene Coordinator or Project

Coordinator. Such a change shall be accomplished by notifying the other parties as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be verbal, but shall promptly be followed-up in writing.

9. The U.S. EPA On-Scene Coordinator shall have the authority vested in an On-Scene Coordinator by the NCP, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or the Respondent(s) at the facility.

10. No extensions to the above time frames shall be granted without sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved, in writing, by U.S. EPA.

11. All instructions by the U.S. EPA On-Scene Coordinator or his designated alternate, consistent with the terms of this Order and with the NCP, 40 CFR Part 300, shall be binding upon the Respondent(s).

12. To the extent that the Facility or other areas where work under this Order is to be performed is under ownership or possession by someone other than the Respondent(s), Respondent(s) shall obtain all necessary access agreements. In the event that after using their best efforts, Respondents are unable to obtain such agreements, Respondent(s) shall immediately notify U.S. EPA and U.S. EPA shall then assist Respondent(s)



in gaining access, to the extent of its authority under Section 104 of CERCLA.

13. Respondent(s) shall provide access to the Facility to U.S. EPA and MDNR employees, contractors, agents, and consultants at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Facility, to do cleanup/stabilization work, to take samples to monitor the work under this Order, and to conduct other activities which the U.S. EPA in conjunction with the MDNR, determines to be necessary.

14. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. Section 9601 et seq., or any other applicable law.

15. The provisions of this Order and the directions of the On-Scene Coordinator shall be binding on the employees, agents, successors, and assigns of the Respondent(s).

16. This Order shall be effective on the 5th calendar day following the day of the conference (described below), which has been scheduled for

February 8, 1989, unless modified by the Waste Management Division Director.

17. Within five (5) calendar days of the effective date of this Order, Respondent(s) shall provide notice, verbally or in writing, to U.S. EPA stating their intention to comply with the terms of this Order. Verbal notification must be followed in writing within ten (10) calendar days of the effective date of the Order. In the event any Respondent fails to provide such notice, that Respondent shall be deemed not to have complied with the terms of this Order.

18. Copies of all records and files relating to hazardous substances found on the site shall be made available to the U.S. EPA On-Scene Coordinator and MDNR Project Coordinator prior to the termination of the cleanup of the site. Respondents shall retain during the pendency of this Administrative Order and for a period of ten (10) years after its termination, all records and documents in their possession, custody, or control which relate to the performance of this Administrative Order, including, but not limited to, documents reflecting the results of any sampling, tests, or other data or information generated or acquired by any of them, or on their behalf, with respect to the site. After the ten year period of document retention, Respondents shall notify U.S. EPA and MDNR, ninety (90) calendar days prior to the destruction of any such documents, and upon request by U.S. EPA or MDNR, Respondents shall relinquish custody of the documents to U.S. EPA or MDNR.

19. All notices, reports and requests for extensions submitted under terms of this Order shall be sent by certified mail, return receipt requested, and addressed to the following:

one copy	Jon Peterson U.S. EPA 5HS-11 230 South Dearborn Chicago, Illinois 60604
one copy	Timothy Thurlow U.S. EPA 5CS-TUB-3 230 South Dearborn Street Chicago, Illinois 60604
one copy	Denise Gruben Michigan Department of Natural Resources Knapp's Centre 300 S. Washington Lansing, MI 48933

**ACCESS TO ADMINISTRATIVE RECORD**

The Administrative Record supporting the above Determinations and Findings is available for review on normal business days between the hours of 9:00 a.m. and 5:00 p.m. in the Waste Management Division, United States Environmental Protection Agency, Region V, 230 S. Dearborn Street, 11th Floor, Chicago, IL. Please contact Jon Peterson, Project Manager, at (312) 353-1264 to review the Administrative Record. An index of the Administrative Record is included as Attachment #2.

The Administrative Record is also available for review at the address and during the hours listed below:

Address: The Reference Desk  
Department of Sociology and Economics  
c/o Sybil Levenson, Librarian  
Detroit Public Library  
5201 Woodward  
Detroit, MI 48202

Hours: Monday - Saturday 9:30 a.m. - 5:30 p.m.  
except Wednesday; 9 a.m.-9 p.m.  
Closed Sunday

OPPORTUNITY TO CONFER

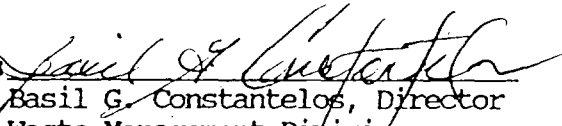
With respect to the actions required above, a conference with the U.S. EPA has been scheduled for February 8, 1989 at 10:00 a.m. This conference shall be held in the "Explorers" meeting room at the Detroit Public Library, located at 5201 Woodward, Detroit, Michigan. Respondent(s) may at that time discuss this Order and its applicability to them. At this conference, Respondent(s) may appear in person, or by an attorney or other representative. If any Respondent desires more information about this conference, the Respondent shall contact Timothy Thurlow, Assistant Regional Counsel, at (312) 886-6623.

Any comments regarding this Order, its applicability, or any factual determinations upon which the Order is based, the appropriateness of any action which Respondent(s) are ordered to take, or any other relevant and material issue must be reduced to writing and submitted to U.S. EPA within five (5) calendar days following the conference which has been scheduled for February 8, 1989. Any such writing should be directed to Jon Peterson, Project Manager, at the address cited above.

Respondent(s) are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondent(s) may be liable under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for the costs of those government actions.

PENALTIES FOR NONCOMPLIANCE

Respondent(s) are advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject the Respondent(s) to a civil penalty of no more than \$25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondent(s) to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the Respondent's failure to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

By:   
Basil G. Constantelos, Director  
Waste Management Division  
United States Environmental  
Protection Agency  
Region V

January 24, 1989

ATTACHMENT #1

Thomas Carter  
1826 Chatham  
Troy, MI 48084

Chrysler Corporation  
Attn: Michael Grice  
12000 Chrysler Drive  
P.O. Box 2255  
Detroit, MI 48288

City of Detroit,  
Dept. Public Lighting  
ATTN: W.F. Gaughan, Sup.  
9449 Grinnell Avenue  
Detroit, MI 48213-1176

City of Detroit  
Jefferson Avenue Sewage  
Treatment Plant  
735 Randolph  
Detroit, MI 48226

Consumer Power Company  
1955 West Parnall Road  
Jackson, MI 49201

Cotter Electric  
ATTN: William L. Cotter  
160 Catrell  
Howell, MI 48843

David Gordon  
Mary Gordon  
c/o 5960 Vancouver  
Detroit, MI 48204

Detroit Edison  
4695 West Jefferson  
Trenton, MI 48183

Detroit Edison  
ATTN: Morton Sterling, Dir  
Environ. Protection  
2060 2nd Street  
Detroit, MI

Ed Levy Company  
ATTN: S. Evan Weiner, V.P.  
880 Dix Avenue  
Dearborn, MI 48209

Fischer Body  
3001 Van Dyke Avenue  
Warren, MI 48093

Ford Motor Company  
ATTN: J.M. Rintamaki  
P.O. Box 1639  
Dearborn, MI 48121

General Motors Corporation  
Central Foundry Division  
1805 Veteran Memorial Parkway  
Saginaw, MI 48601

Gordon Electric  
Attn: David Gordon  
5960 Vancouver  
Detroit, MI 48204

Irving Dubrinsky  
P.O. Box 32622  
Detroit, MI 48332

J.E. Berger Corporation  
P.O. Box 02669  
5300 Bellevue Avenue  
Detroit, MI 48211

James Clark  
2713 Earle Place  
Detroit, MI 48208

Myra Carter  
1826 Chatham  
Troy, MI 48084

Medler Electric, Inc.  
ATTN: Robert P. Medsker  
28650 Grand River  
Farmington, MI 48024

Michigan Bell Telephone  
ATTN: Brian J. Jordan, Atty.  
444 Michigan  
Detroit, MI 48226

Minkin Chandler  
ATTN: Jerold R. Minkin  
13501 Sanders  
Detroit, MI 48217

River Electric Co. Inc.  
P.O. Box 108  
160 Catrell Drive  
Howell, MI 48844

Rouge Steel Company  
Ford Motor Company  
3001 Miller Road  
Dearborn, MI 48120

GM Iron Plant  
Saginaw Grey Iron Plt.  
1629 N.Washington Av.  
Saginaw, MI 48601

Shaw Electric Company  
ATTN: George Friess, Pres.  
P.O. Box 2217  
33200 Schoolcraft Road  
Livonia, MI 48150

Standard Lead Co. Inc.  
ATTN: Ansel Aberly,  
President  
21000 Hoover Road  
Warren, MI 48089

Detroit Edison  
ATTN: Walter J. McCarthy  
2000 Second Avenue  
Detroit, MI 48226

Thas Goodfellow Trucking, Inc  
5201 Rosa Park Blvd.  
Detroit, MI 48208

Chrysler Corporation  
Sterling Heights Assembly Plnt  
3811 Van Dyke  
Sterling Heights, MI 48659

W.C. Electric Company  
5449 Sylvia  
Dearborn Heights, MI 4821

ATTACHMENT #2

Administrative Record Index  
Carter Industrials Site  
Detroit, Michigan

DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE	PAGES
00/00/00	PRP List for Carter site	U.S. EPA		List	3
00/00/00	Transactional database for Carter site.	NEIC	U.S. EPA	Microfiche	
86/06/16	Air Monitoring at Carter Industrial Site (methods).	Mike McLeod-USEPA	Phil Campagna-ERT	Communication Record	1
86/06/16	Cleanup levels and air monitoring for Carter Ind. Site.	Mike McLeod-USEPA	Robert Bowden-USEPA	Communication Record	1
00/00/00	Adequate cleanup levels of PCB's at the bricketter.	Daniel Patulski-USEPA	Ralph Dollhopf-USEPA	Correspondence	1
86/07/14	Update on the involvement of the Wayne County Air Pollution Control Division with the Carter Industrial Site.	Allan Greenberg-Wayne Co.	Ralph Dollhopf-USEPA	Correspondence	3
86/08/17	Letter detailing work to be performed by contractor hired by Philip Dubrinsky Enterprises.	R.L.Benson-Marine Pollution Control	Michael McLeod-USEPA	Correspondence	4
86/08/22	Recommendation that normal public service operations be resumed in the vicinity of Carter Industrial.	John Waller-Dept. of Health	C.Abrams-Dept.ofPub.Works	Correspondence	1
86/08/25	Letters reiterating the USEPA position that public funds are to be expended to take action to abate a release or threatened release of hazardous substances and offering the three recipients an opportunity to take the necessary action themselves. Letters sent to J.Ishbia, F.Dery and T. Carter.	Basil Constantelos-USEPA	see title	Correspondence	9
86/08/26	Notification that the Carter Industrial area has been cleaned of PCB's to levels below 50ppm and that municipal services may be resumed in the area.	Ralph Dollhopf-USEPA	John Waller-Dept.ofHealth	Correspondence	1

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DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE	PAGES
86/09/29	MDNR's strong support of certain work task activities, recommendation of additional remedial activities and additional concerns.	Gordon Guyer-MDNR	Valdas Adamkus-USEPA	Correspondence	3
86/10/24	Summary of U.S.Coast Guard involvement at the Carter Industrial Site.	Comm.Officer-Gulf Strike Team Ralph Dollhopf-USEPA USCG		Correspondence	4
86/10/28	Response to recommendations and concerns expressed in their letter of 9/29/86 to V.Adamkus-USEPA.	Valdas Adamkus-USEPA	Gordon Guyer-MDNR	Correspondence	2
86/10/30	A list of difficulties and issues concerning the removal of PCB contaminated sediments from the 18th Street combined sewer system and a request for assistance to the Water and Sewer Dept. of Detroit in resampling efforts.	Brian Monroe-MDNR	J.S. Jain-City of Detroit	Correspondence	3
86/11/14	USEPA letter giving PRP's an opportunity to perform actions necessary to abate any release or threatened release of hazardous substances.	Basil Constantelos-USEPA	see service list	Correspondence	6
86/11/26	Response to Adamkus-USEPA letter of 10/28/86 where author states that they would still want to reduce the PCB's in the residential areas to levels significantly lower than the 50 PPM level.	Gordon Guyer-MDNR	Valdas Adamkus-USEPA	Correspondence	2
86/12/05	Letter detailing the approved removal of decontaminated scrap metal from the site.	Bernard Landman-USEPA	G.Wojtola-DownRiverScrap	Correspondence	2



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DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE	PAGES
87/01/22	Letter clarifying MDNR's plans to excavate and effect off-site disposal of residential soils which contain greater than or equal to ten ppm PCB and that the amount of soil requiring excavation will likely be less than one thousand cubic yards.	Ralph Dollhopf-USEPA	Brian Monroe-MDNR	Correspondence	1
87/01/27	Letter detailing the MDNR's intentions to transport and dispose of off-site any wastes generated during excavation activities.	Gordan Guyer-MDNR	Valdas Adamkus-USEPA	Correspondence	2
87/09/17	Detroit Health Dept. urges that the Carter site be given the highest possible priority on the site. Also, they express concern over vandalism at the site and inadequate site security.	Donald Hamel-Detroit Health Dept.	Gary Klepper-MDNR	Correspondence	2
87/10/28	Response to 09/17/87 letter from the Detroit Health Dept. Assurance is given that the site has recieved the highest possible priority.	Stephan Cunningham-MDNR	Hamel-Detroit Health Dept	Correspondence	1
88/01/07	Letter requesting that the site be given the highest possible priority and request immediate rectification of the problems.	Walter Bogerty-Detroit Health Dept.	Ralph Dollhopf-USEPA	Correspondence	2
88/07/14	As a follow-up to a 7/8/88 phone conversation, it is requested that further stabilization of the site be given a high priority.	Stephan Cunningham-MDNR	Ralph Dollhopf-USEPA	Correspondence	2

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DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE	PAGES
88/07/22	Request that the site be given more immediate attention for remediation and that the site be adequately secured.	James Gray - Detroit Health Dept.	Steven Lingle-USEPA	Correspondence	2
88/08/19	Assurance that the USEPA is monitoring the situation and will complete interim stabilization measures within the year	Timothy Fields-USEPA	James Gray-Det.HealthDept	Correspondence	1
00/00/00	Hazard Ranking System Documentation Log Sheet.	USEPA		Log	2
00/00/00	Capacitor and Drum Logs.	Weston Sper		Logs	136
00/00/00	Fact Sheet and memo on the emergency situation at Carter Industrials.	Basil Constantelos-USEPA	Henry Longest-USEPA	Memorandum	2
86/06/17	Situation Investigation	Michael D. Moore-MDNR	Gordon D. Guyer-MDNR	Memorandum	6
86/06/25	ACTION MEMORANDUM: Immediate Removal Request for Carter Industries, Detroit, Michigan	Robert Bowden-USEPA	Valdas Adamkus-USEPA	Memorandum	3
86/07/01	Site Description/Executive Summary.	Harrington & Cunningham-MDNR		Memorandum	2
86/07/11	ACTION MEMORANDUM: Exemption to \$1,000,000 Statutory Limit, Carter Industrials, Detroit, Michigan.	Valdas Adamkus-USEPA	J. Winston Porter-USEPA	Memorandum	3
86/09/09	ACTION MEMORANDUM: Ceiling Increase for Carter Industrial, Detroit, Michigan.	Valdas Adamkus-USEPA	J. Winston Porter-USEPA	Memorandum	3
86/09/18	ACTION MEMORANDUM ADDENDUM: Ceiling Increase for the Carter Industrial Site, Detroit, Michigan.	Timothy Fields-USEPA	J. Winston Porter-USEPA	Memorandum	2
86/12/02	ACTION MEMORANDUM: Six-Month Time Exemption to Allow the Continuation of Removal Activities at the Carter Industrial Site, Detroit, Michigan.	Michael McLeod-USEPA:OSC	Valdas Adamkus-USEPA	Memorandum	2

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DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE	PAGES
87/01/13	Summary of results from Carter Industrial PCB Site, Humbolt Street, Detroit-Roof Gutter Air Quality Survey.	Richard Johns-MDNR	Lawrence Chadzynski-MDNR	Memorandum	17
87/01/13	Request for review of the Roof Gutter Air Quality Survey.	Richard Johns-MDNR	Lawrence Chadzynski-MDPH	Memorandum	1
87/01/16	Memo on the Dubrinski property Responsible Party clean-up.	Carla Lange - TAT	Carter Site File	Memorandum	3
87/03/31	Recommendation of removal of PCB contaminated sediments at all areas exceeding 1.0 mg/kg total PCB's.	Dave Kenaga-MDNR	Brian Monroe-MDNR	Memorandum	1
88/02/08	Discussion of off-site PCB values with attached sample location descriptions.	Ralph Dollhopf-USEPA	Doug Ballotti-USEPA	Memorandum	4
86/06/17	Deposition of Thomas D. Carter.	Thomas D. Carter		Other	122
86/06/24	Affidavit of Irving Dubrinsky.	Irving Dubrinsky		Other	3
87/10/08	Affidavit of Ralph Dollhopf.	Ralph Dollhopf-USEPA		Other	4
00/00/00	Photographs of the site and of surrounding area taken between the dates of 6/9/86 and 10/28/87.	Craig Bell, Carla Lange, Mary Bell,...		Photographs	215
89/01/00	Unilateral Administrative Order.	USEPA	See service list	Pleadings/Orders	26
84/07/10	Preliminary Assessment.	Harrington & Cunningham-MDNR		Reports/Studies	4
84/07/10	Report On Inspection To Determine Compliance With The PCB Regulations: Carter Industrials, Inc. PCB Inspection #82372.	MDNR		Reports/Studies	14
86/06/05	Initial Sampling Site Safety Plan.	Craig Bell-Weston Sper		Reports/Studies	8

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DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE	PAGES
86/06/10	Site Description/Executive Summary.	Harrington & Cunningham-MDNR		Reports/Studies	2
86/06/10	Preliminary Assessment.	Harrington & Cunningham-MDNR		Reports/Studies	4
86/06/11	Hazardous Waste Site Investigation And Emergency Response Safety Plan.	Tom Gainer-Weston Sper		Reports/Studies	5
86/08/11	Summary of dioxin and furan data with cover letter explaining the process.	Sally Matz&S.D.Springer-Weston Sper	Briand Wu - USEPA	Reports/Studies	3
86/09/04	Hazardous Waste Site Investigation And Emergency Response Safety Plan.	Weston Sper		Reports/Studies	33
86/10/00	Concentrations of PCB's in Sediment Depositional Zones in the Upper Detroit River along the United States Shore, July 8 and 9, 1986, and the 18th Steet Sewer System, Detroit Michigan, July 14 and 15, 1986.	MDNR-Surface Water Qual.Div.		Reports/Studies	13
86/10/00	Final Sampling And Analysis Plan.	Roy F. Weston, Inc.	USEPA	Reports/Studies	17
86/10/14	Site Inspection Report.	Stephen D. Cunningham-MDNR	USEPA	Reports/Studies	14
86/10/16	"Carter Industrial PCB Site Humbolt And Forest Streets Vicinity Detroit, Michigan MDNR Staff Report Of Roof Gutter Air Quality Survey."	MDNR		Reports/Studies	13
86/10/29	Draft Screening and Selection Document.	Kurt Stimpson-Roy F. Weston, Inc.	M.McLeod-USEPA	Reports/Studies	102
86/10/30	Hazard Ranking System Scoring Package.	Stephen D. Cunningham-MDNR	USEPA	Reports/Studies	7
86/10/30	Documentation Records For Hazard Ranking System.	Stephen D. Cunningham-MDNR	USEPA	Reports/Studies	18

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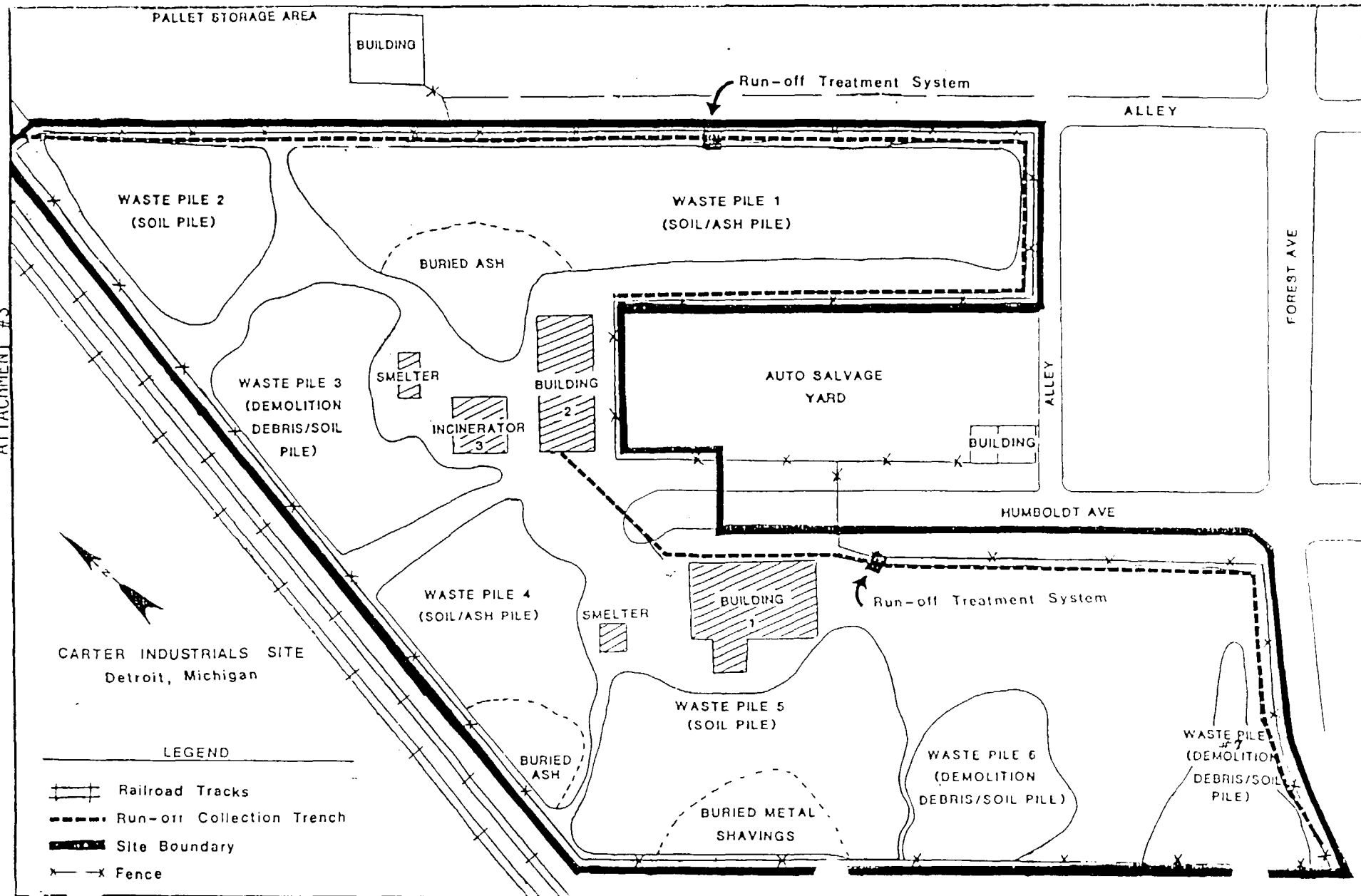
<u>DATE</u>	<u>TITLE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>DOCUMENT TYPE</u>	<u>PAGES</u>
86/12/11	Engineering Evaluation of the Surface Water Runoff Collection and Treatment System.	R.Michael Bort-Roy F. Weston, Inc.	Ralph Dollhopf-USEPA	Reports/Studies	84
86/12/18	Engineering Evaluation/ Cost Analysis.	Stimpson, et al -Roy F. Weston, Inc.	USEPA	Reports/Studies	213
87/01/14	Tables 1 and 2 for the report entitled "Carter Industrial PCB Site, Humbolt and Forest Streets Vicinity, Detroit, Michigan - MDNR Staff Report of Roof Gutter Air Quality Survey".	Brian Monroe-MDNR	Lawrence Chadzybski-MDPH	Reports/Studies	3
87/03/00	"Sediment PCB Concentrations Along The U.S.Shore Of The Upper Detroit River, And Sediment And Water PCB Concentrations In Two City Of Detroit Combined Sewers With Overflows To The Detroit River, July And October, 1986, And January, 1987."	MDNR		Reports/Studies	16
87/06/19	Analytical Report and Recommendations for the Briquetting Press at the Carter Site in Detroit, MI.	Paul S. Williams-HAZTECH, Inc.	Teicher-Earle Erman&Assoc	Reports/Studies	59
87/07/02	POLREP numbers one through sixty one.	Ralph Dollhopf-USEPA	USEPA Region V	Reports/Studies	107
89/01/00	Endangerment Assessment	Homer-PRC Environmental Management	USEPA	Reports/Studies	172

ADMINISTRATIVE RECORD SAMPLING/DATA INDEX  
CARTER INDUSTRIAL SITE: DETROIT, MICHIGAN  
DOCUMENTS ARE NOT COPIED BUT MAY BE REVIEWED AT THE USEPA  
REGION V OFFICES, CHICAGO, ILLINOIS.

DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE
00/00/00	Chain-of-Custody Reports from 6-6-86 to 1-15-87.			Sampling/Data
00/00/00	Analytical Reports: PCB's from 10/1/86 to 8/24/87.	Bill Botimer-Wadsworth/Alert	Tom Wey-PEI Assoc.	Sampling/Data
00/00/00	Hazardous Waste Manifests.	Ralph Dollhopf-USEPA		Sampling/Data
00/00/00	Analytical results for PCB sampling in and around the Carter Industrial Site.	Various		Sampling/Data
00/00/00	Carter Industrial TAT Sampling Log and Sampling Results for samples taken between the dates of 6/7/86 and 8/7/86.	Weston Sper		Sampling/Data
00/00/00	Drum Logs.	Weston-Sper		Sampling/Data
86/00/00	Air Sampling Worksheets, Chain-of-Custody Forms, Work Assignment Lists, Maps, and Sampling Results for June and July, 1986.			Sampling/Data
86/00/00	Maps of sampling locations.			Sampling/Data
86/00/00	Dioxin Sampling results from 6-14, 7-11, and 7-29-1986.	Various		Sampling/Data
86/06/07	Carter Industrial TAT Sampling Log.			Sampling/Data
86/07/18	Analysis of seven soil samples for dioxins and furans	California Analytical Labs.	Sally Matz-Weston Cons.	Sampling/Data
86/08/00	Chain-of-Custody Forms for adjacent street sampling from 7-29-1986 to 8-7-1986.			Sampling/Data
86/08/07	Analytical Report: Volatile Compounds.	Bill Botimer-Wadsworth/Alert	Tom Wey-PEI Assoc.	Sampling/Data
86/09/16	Drum Compatability Report.	Bill Botimer-Wadsworth/Alert	Tom Wey-PEI Assoc.	Sampling/Data

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DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE
86/10/08	Generator's Waste Material Profile Sheet(s).	Michael McLeod-USEA OSC		Sampling/Data
86/10/13	Analytical Report: Volatile Compounds.	Bill Botimer-Wadsworth/Alert	Tom Wey-PEI Assoc.	Sampling/Data
86/10/23	Waste Characterization Form.	Michael McLeod-USEPA		Sampling/Data
86/10/30	Drum Compatability Report.	Bill Botimer-Wadsworth/Alert	Tom Wey-PEI Assoc.	Sampling/Data
86/10/31	Review of data and data package SMO case no. SAS2461E; Data Sets SF3499, SF3495.	Patrick Churillo-USEPA		Sampling/Data
86/10/31	Sampling results from USEPA data set numbers SF3499 and SF3495.	West Coast Analytical	USEPA	Sampling/Data
86/11/06	Waste Characterization Form.	Ralph Dollhopf-USEPA		Sampling/Data
86/11/17	Multi-Element Analytical Report.			Sampling/Data
86/12/12	PCB Laboratory Report for samples taken from the Carter Industrial site files.	Tim McGarry-MDNR	Chip Landman-USEPA	Sampling/Data
87/02/05	Chain-of-Custody forms for sampling from the Carter site from 8-29-86 to 2-5-87.			Sampling/Data
87/02/05	Chain-of-Custody Report from Tank sampling.	C.J.Lange		Sampling/Data
87/11/30	Chain-of-Custody form for samples collected 11-25-87 from the Humbolt Discharge.	Tim Launius		Sampling/Data
88/03/31	Chain-of-Custody form for samples collected 3/29/88 from the Humbolt St. Treatment System.	Dan Capone		Sampling/Data





# ATTACHMENT 4

## Timeline for Carter Industrials Pursuant to Unilateral Administrative Order

ACTIVITY	Deadline	Jan	Feb	Mar	Apr	May	Jun
	<u>Date</u>	<u>....</u>	<u>....</u>	<u>....</u>	<u>....</u>	<u>....</u>	<u>....</u>
Receipt of Order	01/27/89	...X	....	....	....	....	....
Conference with PRPs	02/08/89	....	.X..	....	....	....	....
Effective Date of Order	02/13/89	....	.X..	....	....	....	....
Verbal Not./Intention to Comply	02/18/89	....	..X.	....	....	....	....
Written Not./Intent to Comply	02/23/89	....	...X	....	....	....	....
Interim Site Safety Measures	02/23/89	....	...X	....	....	....	....
Notice of choice of consultant	02/23/89	....	...X	....	....	....	....
Submit Outline for Workplan	03/05/89	....	....	X...	....	....	....
EPA reviews outline/responds	03/12/89	....	....	.X..	....	....	....
Respondents Submit Final WP	04/12/89	....	....	....	.X..	....	....
Final Workplan Public Noticed	04/22/89	....	....	....	...X	....	....
Comment period for Workplan	05/22/89	....	....	....	...XXXXXX	....	....
EPA reviews comments/responds	06/06/89	....	....	....	....	....	X...
EPA returns WP as modified	06/10/89	....	....	....	....	....	.X..
Implement site cleanup	06/11/89	....	....	....	....	....	.X..
Respondents develop cleanup schedule							